

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Shigeru Fujita et al.

Application No.: 10/582,018

Confirmation No.: 8964

Filed: June 7, 2006

Art Unit: 1791

For: HEAT INSULATING STAMPER STRUCTURE

Examiner: Seyed Masoud Malekzadeh

**RESPONSE**

U.S. Patent and Trademark Office  
Customer Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dear Sir:

Responsive to the Office Action dated February 26, 2008. Applicants elect the invention of Group I (claims 1-9). The election is made with traverse. At least claims 10 and 11 should be examined together with claims 1-9.

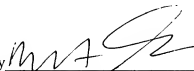
Although the Office Action establishes that claims 10 and 11 are patentably distinct from claims 1-9, there is nothing to indicate that the search and examination of claims 10 and 11, in addition to claims 1-9, would impose a "serious" burden. Restriction should not be required in every case where separately claimed inventions are distinct from each other. It should be required only where (1) the separate inventions are patentably distinct and (2) the search and examination of the claims together would impose a serious burden on the Office. See M.P.E.P. § 803.

In this case, many of the limitations that are recited in claim 10 are also recited in claim 1. There will be substantial overlap between the search and examination of the separate claims. Moreover, claims 10 and 11 together with claims 1-9 would add only two claims for a total of eleven claims, and it should not matter at this stage that the claims can be subsequently amended, since a restriction requirement can be imposed at any time, if and when it becomes proper. See M.P.E.P. § 811.03.

The search and examination of claims 10 and 11 together with claims 1-9 would not impose a serious burden. Therefore, in fairness, at least claims 10 and 11 should be examined together with claims 1-9. Favorable action on the application is respectfully solicited.

Dated: March 26, 2008

Respectfully submitted,

By 

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